

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Lino Pastor Herrera Rodríguez



Petitioner,

v.

- Warden, IMPERIAL REGIONAL DETENTION FACILITY
- **Markwayne Mullin** Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY.
- U.S. Attorney General.

Case No.

'26 CV2625 TWR B JW

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

Plaintiff Lino Pastor Herrera Rodríguez files this habeas corpus petition to seek enforcement of his rights as members of the Bail Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Defendants at the Imperial Regional Detention Facility. He is now facing unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to comply with the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

1. On November 20, 2025, the district court granted partial summary judgment on behalf of the individual plaintiffs and, on November 25, 2025, certified a national class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. November 20, 2025) (order granting partial summary judgment to named plaintiffs-petitioners); *Maldonado*

Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. November 25, 2025) (order certifying Plaintiffs-Petitioners' proposed National Bail Eligible Class of Bonds, incorporating and expanding the declaratory judgment of the Order granting Petitioners' Motion for Partial Summary Judgment).

2. The declaratory judgment held that the members of the Bond Denial Class are detained under 8 U.S.C. § 1226(a) and, therefore, cannot be denied for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

3. However, the Executive Office for Immigration Review and its sub-agency, the Immigration Court, and the Department of Homeland Security (DHS) have steadfastly refused to comply with the declaratory injunction and have unlawfully ordered that the petitioner be denied the opportunity to be released on bond.

Plaintiff Lino Pastor Herrera Rodríguez, is a member of the Bond Eligible Class, as he:

- a. He has no legal status in the United States and is currently being held at the Imperial Regional Detention Facility. He was arrested on February 12, 2026.
- b. Entered the United States with inspection on January 10, 2024, and was not apprehended upon arrival, *cf. id.* ; and
- c. You are not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

4. After detaining the applicant in February 2026, DHS placed her in removal proceedings under 8 U.S.C. § 1229a. DHS has charged the applicant with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

5. The Court must grant this request promptly.

6. Defendants are bound by the judgment in *Maldonado Bautista* because it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nonetheless, Defendants continue to flagrantly defy judgment in that case and continue to subject Plaintiff to unlawful detention despite his clear right to be considered for release on bail as a member of the Bail Eligible Class.

7. Immigration judges have informed class members at bond hearings that they have been instructed by "management" that the declaratory judgment in *Maldonado Bautista* is not binding, even with respect to class members, and that instead IJs remain required to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

8. Since the defendants are detaining the plaintiff in violation of the declaratory judgment entered in *Maldonado Bautista*, the Court should order that, within one day, the defendant DHS must release the plaintiff.

9. Alternatively, the Court should order the plaintiff's release unless the defendants file a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

The plaintiff is in the defendants' physical custody. The plaintiff is being held at IMPERIAL REGIONAL ADULT DET FAC IMPERIAL REGIONAL DETENTION FACILITY, 1572 Gateway Road, Calexico, CA 92231.

This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause).

This Court may grant relief under 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the General Commands Act, 28 U.S.C. § 1651.

HEADQUARTERS

According to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), territorial jurisdiction lies in the UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA, the judicial district in which the plaintiff is currently located.

Jurisdiction also properly vests in this Court pursuant to 28 U.S.C. § 1391(e) because the defendants are employees, officers, and agencies of the United States, and because a substantial portion of the facts or omissions giving rise to the claims occurred in the UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

28 U.S.C. § 2243 REQUIREMENTS

The Court should grant the habeas corpus petition "immediately," as the legal issues have already been resolved for the class members in *Maldonado Bautista*.

Habeas corpus is "perhaps the most important remedy known to constitutional law..." affording a prompt and imperative remedy in all cases of unlawful restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the timetable of the judge or judge who receives it and receives prompt action from it within the four limits of the request." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

MATCHES

Petitioner Lino Pastor Herrera Rodríguez is a Venezuelan citizen and has been in immigration detention since February 2026. Following the applicant's arrest, ICE did not set bond and requested a review of his custody by an IJ. Petitioner has resided in the United States since 01/10/2024.

Defendant Warden, IMPERIAL REGIONAL ADULT DET FAC IMPERIAL REGIONAL DETENTION FACILITY. As such, the Director of the Field Office is the immediate custodian of the Petitioner and is responsible for his detention and removal. He is appointed in his official capacity.

Defendant **Markwayne Mullin** is the Secretary of the Department of Homeland Security. He is responsible for implementing and enforcing the Immigration and Nationality Act (INA) and oversees ICE, which is responsible for the applicant's detention. Mr. Mullin has final custody authority over the petitioner and is sued in her official capacity.

The Department of Homeland Security (DHS) defendant is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

Defendant **Todd Blanche** is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the

immigration court system it manages are component agencies. She is a defendant in her official capacity.

CLAIM FOR REPARATION
Violation of the INA:
Request for relief under *Maldonado Bautista*

The petitioner repeats, re-alleges, and incorporates by reference each of the allegations in the preceding paragraphs as if it were fully set forth in this place.

As a member of the Bond Eligible Class, the Petitioner is entitled to be considered for release from bail pursuant to 8 U.S.C. § 1226(a).

The order granting partial summary judgment in *Maldonado Bautista* holds that the defendants violate the INA by applying the mandatory detention statute in § 1225(b)(2) to class members.

The order granting the class certification in *Maldonado Bautista* also orders that "[w]ith considering this determination with the Order of the MSJ, the Court extends the same declaratory relief granted to the petitioners to the Bond-Eligible Class as a whole." "

The defendants are parties to *Maldonado Bautista* and are bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

By denying Plaintiff a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Defendants violate Plaintiff's legal rights under the INA and the judgment of the Court in *Maldonado Bautista*.

PRAYER FOR RELIEF

THEREFORE, the applicant requests that this Court grant the following relief:

- a. Assumes jurisdiction over this matter.

- b. Issue a writ of habeas corpus requiring the defendants to release the petitioner within one day.
- c. Alternatively, issue a writ of habeas corpus compelling the defendants to release the plaintiff unless they file a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days.
- d. Award attorneys' fees and costs to the applicant under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis warranted by law; y
- e. Grant such other and additional relief as this Court deems just and proper.

Legal Correspondence Between the INA and the United States Code

For clarity and ease of reference, the provisions of the Immigration and Nationality Act (INA) cited in this Petition correspond to the following sections of the United States Code (U.S.C.). These citations refer to the same legal authority and are used interchangeably throughout this Petition.

INA § 236(a), codified at 8 U.S.C. § 1226(a), regulates the detention of noncitizens until a decision is made on removal and authorizes release on bond or conditional release after an individualized bond hearing.

INA § 235(b)(2)(A), codified at 8 U.S.C. § 1225(b)(2)(A), provides for mandatory detention of certain arriving aliens. As held in *Maldonado Bautista v. Santacruz*, this provision does not apply to individuals who were not detained at the time of entry and who are subject to removal proceedings under INA § 240.

INA § 240, codified at 8 U.S.C. § 1229a, regulates formal removal proceedings before an immigration judge. Detention during such proceedings is regulated by INA § 236, not INA § 235.

INA § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i), is the inadmissibility provision that charges entry without inspection and does not eliminate bond eligibility under 8 U.S.C. § 1226(a).

The declaratory judgment entered in *Maldonado Bautista v. Santacruz* has the full force and effect of a final judgment under 28 U.S.C. § 2201(a), and defendants are legally bound to comply with that judgment.

DATED this 24 of April 2026.

Eugenio Ibarra Esq.
//s//Eugenio Ibarra//s//
Attorneys for Petitioner